

REMARKS

Reconsideration and allowance of the captioned application in view of the foregoing amendments and the remarks which follow are respectfully requested.

The claims in the application and under consideration are claims 14-17. Claim 14 has been amended to a holding polymer which is methacrylamidopropyl dimethyl – vinylpyrrolidone copolymer. That this corresponds to polymer 1163 can be seen in Exhibit A which is a computer printout in CHEMSEARCH™. Claim 14, line 5 has also been corrected in a minor grammatical manner. Specifically, it now recites “a saccharide with greater than 55 monomer units selected from the group consisting of”

Claim 15 has been amended to correct claim dependency so that it now depends on base claim 14.

This response is being timely made. More specifically the Office Action which was the Final Rejection was mailed on March 12, 2002. A response to this Final Rejection was due June 12, 2002. A Notice of Appeal was filed within the term on June 11, 2002. A Brief on Appeal was to follow this Notice of Appeal and was due on August 11, 2002. Since the present response is being made on August 12, 2002, next succeeding businessday, and is being accompanied by a request for Continuing Examination under 37 CFR 1.114, this response is timely. The applicants do not acquiesce in the Final Rejection of March 12, 2002.

It is respectfully submitted that the rejection under 35 USC §112 of claims 14-17 has been obviated by the above amendments. More specifically, polymer 1163 in claim 14 is now named by a chemical name. Moreover, claim 15 has proper claim dependency in claim 14. The dependency of claim 17 has also been corrected. Therefore, withdrawal of these rejections is respectfully requested.

Claims 14-17 have been rejected under 35 USC §102(b) as being anticipated by the '269 patent. This rejection is respectfully traversed.

The amendment of claim 14 shows that polymer 1163 is a methacrylate which is not encompassed or suggested or disclosed in the '269 patent. Moreover, it would not be obvious to substitute the named methacrylamidopropyl dimethylpyrrolidone copolymer for the polymer ("a pyrrolidone – vinyl alcohol copolymer") recited in the '269 patent.

Excellent results, for example, regarding curl, stiffness/hold are shown for a polymer 1163 composition in Example W at pages 20 and 21 of the present specification. Examples CC, DD, EE, and FF show none to slight to moderate flaking for examples with polymer 1163 (see pages 24 and 25 of the present specification). Example HH with polymer 1163 ranked second in terms of crust. Example LL with polymer 1163 ranked first in terms of stickiness, that is it had low stickiness (see page 26 of the present specification). The claimed compositions containing polymer 1163 had unexpectedly superior properties.

Accordingly, it is respectfully submitted that this rejection of the claims under 35 USC §102(b) is not proper and should be withdrawn. It is also submitted that the claims are not rendered obvious by this '269 patent.

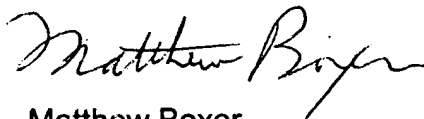
The applicants note that the present claims have been made the subject of obviousness type double patenting rejection as being unpatentable over claims 1-11 of applicants copending application, U.S. Serial No. 09/275,149. At such time as allowable subject matter is indicated in the present application, the applicants reserve the right to file a Terminal Disclaimer if necessary to overcome this double patenting rejection.

Since all of the claims are in proper form and have been patentably distinguished over the publications of record, an early Notification of Allowance is respectfully requested.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned **"Version with markings to show changes made"**.

If a telephone conversation would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Matthew Boxer", with a stylized flourish at the end.

Matthew Boxer
Registration No. 28,495
Attorney for Applicants

MB:sc
201-840-2963

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims

Claim 14 has been amended as follows:

14. (Amended) A hair styling composition comprising:
- (a) from about 0.04% to about 1.5% active of a holding polymer ~~selected from the group consisting of polyvinyl acrylate (a) and polyvinyl acrylate (b) which is methacrylamidopropyl dimethylamine~~ – vinylpyrrolidone copolymer;
 - (b) a saccharide with greater than 55 monomer units ~~and is selected from the group consisting of hydroxy ethyl cellulose, and polyglucose saccharide;~~ and
 - (c) a carrier selected from the group consisting of methanol, ethanol, N-propanol, isopropanol, and a mixture thereof;
- wherein the ratio of (a) to (b) is about 1.0:2.2 to about 1.0:0.1.

Claim 15 has been amended as follows:

15. (Amended) A hair styling polymer according to claim 14, wherein the ratio of (a) to (b) is about 1.0:1.25 to about 1.0:0.1.

Claim 17 has been amended as follows:

17. (Amended) A method for styling hair which comprises:
- (a) contacting the hair with a composition of claim-~~4~~ 14;
 - (b) shaping the hair;
 - (c) drying the hair; and
 - (d) combing the hair into a desired style.

Exhibit A

DIALOG(R) File 398:CHEMSEARCH(TM)
(c) 2002 Amer.Chem.Soc. All rts. reserv.

CAS REGISTRY NUMBER: 132230-28-5 (POLYMER)
MOLECULAR FORMULA: (C₉H₁₈N₂O.C₆H₉NO)x
RING SYSTEM DATA:
(01) (nr=01; sr=5; ar=C₄N.01; fr=NC₄.01; ir=16-136-1)
REPLACED CAS REGISTRY NUMBER(S) : 354583-07-6

CA NAME(S):
HP=2-Propenamide (9CI)
SB=N-(3-(dimethylamino)propyl)-2-methyl-
NM=polymer with 1-ethenyl-2-pyrrolidinone

OTHER CA NAMES:
HP=2-Pyrrolidinone
SB=1-ethenyl-
NM=polymer with N-(3-(dimethylamino)propyl)-2-methyl-2-propenamide

SYNONYMS: ACP 1163; **Copolymer 1163**; Methacrylamidopropyl
dimethylamine-vinylpyrrolidone copolymer;
N-(3-(Dimethylamino)propyl)methacrylamide-N-vinyl-2-pyrrolidinone
copolymer; N-3,3-Dimethylaminopropyl methacrylamide-vinyl pyrrolidone
copolymer; Styleze CC 10; Viviprint 111; 3-Dimethylaminopropyl
methacrylamide-n-vinylpyrrolidone copolymer;
3-Dimethylaminopropylmethacrylamide-vinylpyrrolidone copolymer

COMPONENT CAS REGISTRY NUMBER(S):
(88-12-0 5205-93-6)

Component RN	Component Molecular Formula
1) 88-12-0	C ₆ H ₉ NO
2) 5205-93-6	C ₉ H ₁₈ N ₂ O

SUBFILE: CHEMNAME 33 LITERATURE REFERENCE(S) IN FILE 399.
LAST UPDATE: 200203